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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/596,172	06/02/2006	Hans Peter Rienhardt	VAL218P2-WDE0685	3150
34232	7590	06/04/2009		
MATTHEW R. JENKINS, ESQ. 2310 FAR HILLS BUILDING DAYTON, OH 45419			EXAMINER TAMAI, KARL I	
			ART UNIT	PAPER NUMBER
			2834	
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			06/04/2009	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/596,172	<b>Applicant(s)</b> RIENHARDT ET AL.	
	<b>Examiner</b> KARL I.E. TAMAI	<b>Art Unit</b> 2834	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 June 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____.                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/21/08</u> .   | 6) <input type="checkbox"/> Other: ____.                          |

## **DETAILED ACTION**

### ***Specification***

1. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.
2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### ***Claim Objections***

3. Claims 9, 12 and 13 are objected to because of the following informalities: Claim 9 does not provide antecedent basis for "the control magnet". Claims 12 and 13 do not provide antecedent basis for the "second section". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 3, 4, 5, and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Shimizu et al. (Shimizu)(JP 08-172753). Shimizu teaches an electric motor (magnet 8, armature 5) with a commutator 22 which is located in a motor housing 10 with

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gearing 13 in gear housing 12 is flange-mounted on the electric motor (see figure 4), wherein a shaft 21 which is driven by the electric motor passes through an opening into an interior of a gearing housing 12, and a screening element 30 is fixed and rotating with the shaft 21 such that the screening element 30 completely or almost completely closes the opening by means of a first section which is circular or cylindrical at the circumference (see figure 2). Shimizu teaches the end of the commutator and bearing are in the opening of the gear housing, such that the screening element is positioned in the opening of the gear housing. Shimizu teaches the circular dish 30 can be integrally formed with the commutator (translation paragraph 0016). Shimizu teaches the screening element 30 closes the open to an annular gap with a width much smaller than the diameter of the opening.

6. Claims 1-5, 7-9, 15, 16, 17, 19, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Haussecker et al. (Haussecker)(WO 01/73926). Haussecker teaches an electric motor (magnet 3, armature 8) with a commutator 7 which is located in a motor housing 2 with gearing in gear housing 15 is flange-mounted on the electric motor (see figure 4), wherein a shaft 5 which is driven by the electric motor passes through an opening 20 into an interior of a gearing housing 15, and a screening element 6 is fixed and rotating with the shaft 21 such that the screening element 6 completely or almost completely closes the opening by means of a first section which is circular at the commutator (see figure 1). Haussecker teaches the screening section includes a magnet interacting with the Hall IC 13 on board 12 on the gear housing 15. The first

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conic section 6 closes the open to an annular gap with a width much smaller than the diameter of the opening, and being positioned between the sensor and the commutator.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Haussecker et al. (Haussecker)(WO 01/73926) and Shimizu et al. (Shimizu)(JP 08-172753). Haussecker teaches aspect of the invention except the bearing axially offset from the opening which is screen off from the motor by the screening element. Shimizu teaches a bearing 6 in the opening to the gear housing 12 which is screen from the

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motor and commutator. It would have been obvious to a person of ordinary skill in the art at the time of the invention to construct the motor of Haussecker with the bearing in the gear housing of Shimuzu to provide support to the driven gears.

10. Claims 10-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haussecker et al. (Haussecker)(WO 01/73926) and Knappe (US 5565721).

Haussecker teaches the magnet 6 having a first screening section adjacent the commutator and directly adjoined to a second axially offset section under the hall sensor 13 by an integral sleeve section. Haussecker teaches aspect of the invention except the screening element being molded plastic or the second section forming the control magnet. Knappe teaches the magnetic holder 4 being a plastic material.

Knappe teaches the control magnet radially under the hall sensor 9 (See figure 1) for determining the speed and direction of rotation of the rotor. It would have been obvious to a person of ordinary skill in the art at the time of the invention to construct the motor of Haussecker with the screening element being molded plastic, as taught by Knappe to provide easy, automatic assembly, and with the control magnet in the second section to direct the magnet to the hall sensor for determining speed and direction as taught by Knappe.

11. Claims 14 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haussecker et al. (Haussecker)(WO 01/73926) and Shimizu et al. (Shimizu)(JP 08-172753). Haussecker teaches aspect of the invention except screening element being

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part of the commutator. Shimizu teaches the circular dish 30 can be integrally formed with the commutator (translation paragraph 0016). It would have been obvious to a person of ordinary skill in the art at the time of the invention to construct the motor of Haussecker with screen formed as part of the commutator to reduce the number of parts and simplify assembly, as suggested by Shimuzu.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karl I.E. Tamai whose telephone number is (571) 272 - 2036.

The examiner can be normally contacted on Monday through Friday from 8:00 am to 4:00 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mrs. Quyen Leung, can be reached at (571) 272 - 8188. The facsimile number for the Group is (571) 273 - 8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Karl I Tamai/  
PRIMARY PATENT EXAMINER  
June 4, 2009